

## REMARKS

Applicants request favorable reconsideration and withdrawal of the rejections set forth in the above-noted Office Action in view of the foregoing amendments and the following remarks.

Claims 1, 4, 5, 7-9, 11, and 13-21 remain pending. Claims 11 and 13-20 stand withdrawn from consideration as being directed to a restricted, non-elected invention. Of the claims not withdrawn, claims 1 and 21 are independent. Claims 1, 4, 8, and 21 have been amended. Support for the amendments can be found throughout the originally-filed disclosure. Accordingly, Applicants submit that the amendments do not include new matter.

Claims 1, 4, 5, 7-9, and 21 are rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Struyk (U.S. Patent Application Pub. No. 2003/0128218).

Applicants respectfully traverse the rejection. Nevertheless, in order to expedite prosecution of the application, independent claims 1 and 21 have been amended to clarify features of the invention not disclosed or suggested by the cited reference. To this end, Applicants submit that the claimed invention is patentably distinguishable from Struyk references for at least the following reasons.

Amended independent claim 1 recites a color display element comprising, inter alia, a first and second sub-pixels, with the second sub-pixel having a green color filter, and a liquid crystal layer located in each of the sub-pixels that has a retardation modulated in accordance with a voltage. Amended independent claim 1 further recites that the retardation of the liquid crystal layer in the first sub-pixel is modulated in a range within which a chromatic color assumed by light passing through the liquid crystal layer changes between red and blue. Amended independent claim 1 still further recites that a retardation of the liquid crystal layer located in the

second sub-pixel is modulated in a range within which a brightness of light passing through the layer is variable. Amended independent claim 21 recites a method with analogous features.

The Office Action cites Struyk as suggesting features of the claimed invention.

In Applicants' view, Struyk discloses an apparatus wherein one pixel is comprised of three sub-pixels, with a color filter for each of the sub-pixels. See, e.g., paragraph 0042. Apparently, a pixel in the apparatus of Struyk is configured such that two of the sub-pixels form their respective colors, such as red and blue, and thus, an intermediate of the two colors is produced. See paragraph 0043. Struyk further appears to disclose that another sub-pixel forms a complementary color to the color produced by the two sub-pixels by time dividing, such that a white color is displayed by the apparatus. See, e.g., paragraph 0046. As such, the apparatus Struyk of displays a white image to the naked eye, with an original image being viewable through the use of a filtering eyeglasses. See, paragraph 0091. This enables Struyk to achieve the primary object of the reference, namely to generate a featureless image that must be decoded for confidential viewing by the intended viewer. Paragraph 0003.

Given the configuration of pixels in Struyk for producing a white image, Applicants submit that the reference cannot be taken to be suggestive of the invention recited in amended independent claims 1 and 21. That is, the structure of Struyk, with three sub-pixels configured to produce a white image, the reference is not suggestive, nor would it have been obvious to one of ordinary skill in the art to derive the claimed combination of first and second sub-pixels. More specifically in this regard, Applicants submit that Struyk does not suggest a liquid crystal layer in a first sub-pixel with a retardation modulated in a range within which a chromatic color assumed by light passing through the liquid crystal layer changes between red and blue, and a liquid

crystal layer located in a second sub-pixel modulated in a range within which a brightness of light passing through the layer is variable.

For at least the foregoing reasons, Applicants submit that Struyk does not disclose or suggest the invention recited in amended independent claims 1 and 21.

Applicants submit that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejection set forth in the Office Action, and a Notice of Allowability are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. Office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Donald H. Heckenberg, Jr./

---

Donald H. Heckenberg, Jr.  
Attorney for Applicants  
Registration No. 60,081

FITZPATRICK, CELLA, HARPER & SCINTO  
1290 Avenue of the Americas  
New York, New York 10104-3800  
Facsimile: (212) 218-2200

FCHS\_WS 4598164\_1.DOC